

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Suits – Arbitration – An amount of Rs. 88,189/- towards balance decretal amount to be deposited to the credit of O.S. No. 40/88 on the file of the 4th Additional Judge, City Civil Court, Hyderabad in respect of the work relating to execution of CC Linings from Km.24.00 to Km.25.00 of Saraswathi Canal entrusted to Sri M.Satyanarayana Rao, Contractor, vide Agreement dated: 22.12.1982 – Sanctioned – Orders – Issued.

IRRIGATION & CAD (ARBITRATION) DEPARTMENT

G.O. Rt. No. 61

Dated: 25 -01-2011

Read :

From the ACE, SRSP, Hyd.,. Lr.No.ACE/SRSP/DEE.2/AE.3/
156322 /85/2009, dt.23.04.09, 22.4.2010 and 3.12.2010.

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ORDER:

The Administrative-cum-Chief Engineer, S.R.S.P., in his letters read above, has reported that the work relating to execution of CC Linings from Km.24.00 to Km.25.00 of Saraswathi Canal entrusted to Sri M. Satyanarayana Rao, Contractor, vide Agreement dated: 22.12.1982 for an amount of Rs.3,20,799/- and the contractor has not completed the work within the stipulated period and abounded the work. The Department has determined the contract of the above work under clause 60 and got completed the balance work by the other agency. Sri M.Satyanarayana Rao, approached the panel of Arbitrators for adjudication of certain claims and he has also filed OP.No.331/85 before the IV Addl. Judge, City Civil Court, Hyderabad for removal of Arbitration panel and to appoint Sole Arbitrator to adjudicate his disputes and the trial court in its order dt: 28.10.1986 has appointed Justice K.Punnaiah as Sole Arbitrator, with effect from 24.03.1987. The Sole Arbitrator directed the respondents to pay interest @ 15% p.a. to the claimant on the EMD of Rs. 20,900/- from 5.9.1984 till the date of decree or till the date of realization whichever is earlier. Aggrieved by the award, the Department has also filed OP. No.434/88 before the IV Addl. Judge, City Civil Court and the trial court in its judgment dt: 25.8.1994 has dismissed the OP.No.434/1988 and in respect of OS.No.40/1988 found that the award passed by the Arbitrator is liable to be made as rule of the court. On appeal in CRP No.16111/1996 filed against the orders of the trial court dt: 25.8.1994. the High Court in its interim order in CMP No.20206/1998, dt: 9.10.1998 granted interim stay, subject to the condition of the petitioner to deposit half of the decretal amount and costs within a period of eight weeks and subsequently the C.R.P. No.1611/1996 filed by the Department was dismissed by the High Court in its order dt: 11.9.2008.

2. The Assistant Government pleader, Fourth Addl. Judge, City Civil Court, Hyderabad in her opinion dt: 21.2.2009 has opined that as per the order passed by the court in E.P. No.52/1997 in O.S. No. 40/88 & O.P. No.434/1998 dt: 25.8.1994, the J.D.R's/ Superintending Engineer, Godavari Valley Circle I and Executive Engineer, Division 5 of GVC.I, Sriramsagar, has to deposit balance amount as per calculation memo filed by D.H.R. which was accepted by the Court and which became final.

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3. The Administrator-cum-Chief Engineer, S.R.S.P., in his letter dt: 22.4.2010 has further reported that half of the decretal amount of Rs. 44,680/- has been deposited in the court and no calculation memo was filed by the Department in the City Civil Court in E.P. No.52/1997. In view of the above, the Administrator-cum-Chief Engineer, SRSP., has requested the Government to issue appropriate orders on the payment of interest upon interest as calculated by the Assistant Government Pleader for payment of balance decretal amount to avoid further legal complications.

4. Government after careful examination of the matter, hereby accord sanction for an amount of Rs. 88,189/- (Rupees Eighty eight thousand One hundred and eighty nine only) towards balance decretal amount to be deposited to the credit of O.S. No. 40/88 on the file of the 4th Additional Judge, City Civil Court, Hyderabad in respect of the work relating to execution of CC Linings from Km.24.00 to Km.25.00 of Saraswathi Canal entrusted to Sri M. Satyanarayana Rao, Contractor, vide Agreement dated: 22.12.1982.

5. The amount sanctioned in para (4) above shall be debit able to the following detailed Head of Account:-

“MH. 2701 – COL on Major & Medium Irrigation; 01 – Major Irrigation (Commercial); 116 – SRSP; GH – 11 – Normal State Plan; SH. 27 – Canals & Distributaries; 530 – Major Works; 531 – Other Expenditure”.

6. The Administrator-cum-Chief Engineer, SRSP, Hyderabad is directed to deposit the above sanctioned decretal amount in the respective Court and to avoid the attachment of Government Property in E. P. No 52/1997.

7. This order issues with the concurrence of Finance (W & P) Department vide their U.O No. 4499/F4(2)/10-1, dated: 24.09.2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**DR. PRASANTA MAHAPATRA
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Administrator-cum-Chief Engineer, SRSP, Hyderabad.

The Accountant General, A.P., Hyderabad.

The Director of Works Accounts, A.P., Hyderabad.

The District Treasury Officer, Nizamabad.

The Pay and Accounts Officer, Nizamabad.

The Superintending Engineer, Godavari Valley Circle No. 1,
SRSP. Nizamabad.

The Executive Engineer, Construction Division No.4, SRSP,
Nirmal, Adilabad Dist.

Copy to:

The P.S. to Minister (M& MI).

The P.S. to Prl. Secretary to Government

The Finance (W & P) Department

The I&CAD (P&B) Department.

The Asst. Government Pleader, City Civil Court, Hyderabad.

SF/SC.

//Forwarded: By Order//

Section Officer.